

Discussion

Democratic Resilience, Economic Security and Sanctions Enforcement in Europe

17 September 2024

Hudson Institute

Dear colleagues, Ladies and Gentlemen,

Thank you for this opportunity to speak to you today. I am sorry that I could not be with you in Washington and hope you can hear me well, that there are no interferences across the Atlantic.

I have been a prosecutor for half of my life. I like to be direct.

From my perspective, the Russian aggression against Ukraine puts all of us here, in the European Union, in front of our responsibilities.

And I definitely want to be able to look myself in the mirror.

As a prosecutor, my role is to protect the rule of law, and to serve the European citizens. In Russia, justice serves the power, a despotic power. If Ukraine loses this war, the very existence of the European Union will be at stake.

When the war broke out, I called the General Prosecutor of Ukraine and asked: how can we help? As prosecutors, our options are limited. But we do have options.

To show support, I travelled to Uzhorod on 18 March 2022. I remember very well how Europe was petrified at the time, scared of Putin. This is why, ever since, I wear this ribbon, as a symbol of the Ukrainian resistance.

So, we signed a working arrangement with the Ukrainian Prosecution Office. We established privileged channels of communication and provided trainings to our colleagues. I am the first to admit that this remains symbolic.



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I know war is primarily about soldiers, skills, bravery. I know it is about weapons, equipment, intelligence, logistics as well as the resilience of the civil populations. But war is also about industrial production capacities, supply chains, raw materials, money...

This is why, together with the European Prosecutors, we agreed we should do more. We stepped out of our traditional, judicial restraint, and started to push for improving the enforcement of EU sanctions.

You, Americans, know it better than anyone: economic sanctions can be an extremely powerful tool. Provided they are effective...

In June 2024, the EU adopted the “14th package of sanctions against Russia for its continued illegal war against Ukraine, strengthening enforcement and anti-circumvention measures”.

The 14th package ...

I respect our diplomats in Brussels for adopting 14 packages of sanctions. Still, it did not slow the Russian war machine enough to allow Ukrainians to win. If sanctions hardly bite, they do not mean much for the soldiers in the trenches.

I have a simple question: do we really want Ukrainians to win?

Because if we really want Russia to lose, we need to do better.

I often hear this false dilemma: whether we should focus on administrative measures or on criminal law, given that criminal proceedings are slow by comparison. Frankly, this discussion is a waste of time. You need both. Now let's get on with it!

When it comes to criminal law enforcement, as far as I can tell, there is little detection, and investigations and prosecutions of the circumvention of EU sanctions are much more difficult than they could be.

For two years now, the Commission and national authorities have tried to coordinate better, to share best practices and information, with close to no effect. We should have turned this page long ago.

After all, we, in Europe, have seen this movie before. When it comes to fraud affecting the EU budget, the situation was roughly the same for decades. Until it was no longer tolerable and the European Public Prosecutor's Office was created.



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Ladies and Gentlemen,

The EPPO is the most powerful investigation and prosecution tool currently available in the EU when it comes to cross-border financial criminality. The circumvention of EU sanctions corresponds to this typology. We are a specialized prosecution office, and we can already deal with the circumvention of EU sanctions when linked to smuggling. I think that you will hear about us in this respect quite soon.

We act as a single office with a decentralised structure in 24 countries. No one has access to more information than we do and, compared to traditional cross-border coordination methods, we are much faster.

We are the best tool available in the EU to bring down those who assist in sanctions evasion.

I am also convinced that it would be much more efficient for our American counterparts to cooperate on these matters with the European Public Prosecutor's Office instead of 27 different national prosecution offices.

We are ready to fight criminals who conceal the origin, destination or ownership of goods and assets falling under the EU sanction regime.

Let us help slow down the Russian war effort and, with confiscations following prosecutions, even contribute to the financing of the reconstruction of Ukraine, after the war.

What is missing? That the new European Commission picks up on an old Franco-German initiative and proposes to enlarge the scope of the EPPO's competence to the circumvention of EU restrictive measures!

The EPPO is ready, and we should do it.

Thank you for your attention.